IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.30321 of 2008
RANJEET KUMAR
Versus
STATE OF BIHAR
With
Cr.Misc. No.31667 of 2008
RAM BAHAL RAI
Versus
STATE OF BIHAR
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2. 12.8.2008 None appears for petitioner Ram Bahal Rai. Heard the learned counsel for petitioner Ranjeet Kumar.

Under the facts of the case and in any view of the material, it does not appear a case under Section 363A IPC inasmuch as the element of kidnapping does not appear from the facts alleged. The case appears of consented shelter in the house of some of the accused persons and during that course the son being withheld by Ram Bahal Rai who refused to return the child. There is nothing on the record to indicate that the lady appeared at any stage of the investigation and gave any statement. At any rate the investigation is continuing.

Regard being had to the facts of the case, let the above named two petitioners be released from custody on furnishing bond of Rs.10,000/-(ten thousand)each with two sureties of the like amount each to the satisfaction of Railway Judicial Magistrate, Sonepur in Chapra Rail P.S.Case no.26 of 2008.

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(Dharnidhar Jha, J.)

B.Kr.